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09/437,016	11/09/1999	YOSHIZO MIHARA	450100-02165	7418

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NEW YORK, NY 10151

EXAMINER
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FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/437,016

**Applicant(s)**

MIHARA ET AL.

**Examiner**

James A. Fletcher

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection. However, the examiner will address specific concerns of the applicant's representative.

**In re page 9 and claim 1**, applicant's representative states: "Holroyd does not appear to disclose an input processing means, output processing means, and switching means having a first, second, and third processing means. Rather, Holroyd appears to disclose an input means and an output means that are merely connectors."

The examiner respectfully disagrees. As amended, the input processing means of claim 1 now appear to be means for inputting commands from a user. The control console 18 of Holroyd, including an interface for a mouse and a keyboard, is well known by those of skill in the art to include processing means to translate the signals from those devices into commands to be used to control the audio and video input and output signals, as well as the processing that takes place on those audio and video signals.

However, if the input processing means of claim 1 is still intended to be an audio and video input processing means, it is also well known to those of skill in the art that the analog signals from the VTR 28 shown in FIG. 1 must be digitized in order to be processed by the processor 12. Such digitization process clearly requires a "processor."

**In re pages 9 and 10 and claim 1**, applicant's representative states: "Holroyd does not appear to disclose that the third processing means of the switching means

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controls the processing means of the input processing means and output processing means.”

The examiner respectfully disagrees. As clearly disclosed in Holroyd, the editing of video tracks requires a selection of those tracks, and a point at which the tracks are switched from one to another, this switching being performed by processor 12.

**In re page 10 and claim 1**, applicant’s representative states: “Holroyd does not appear to disclose a selecting means as recited in claim 1.”

The examiner again respectfully disagrees. As is understood by those of skill in the art, a processor-based computer provides the user with a number of possible commands (e.g., save, exit, and open) through a graphical user interface, which are selected by manipulation of a cursor. The console 18 of Holroyd performs these functions, as disclosed in Col 2, lines 17-32, Col 3, lines 41-44, and Col 4, lines 1-37.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Holroyd et al (5,781,435).

**Regarding claim 1**, Holroyd et al disclose a data recording and/or reproducing apparatus comprising:

- recording and/or reproducing means for recording and/or reproducing data (Col 2, line 9 “an editing system”) inclusive of video data and audio data (Col 2, lines 33-37 “Sources of original material...provide material, such as video...and corresponding audio material”) on a non-linear-accessible recording medium (Col 2, lines 49-50 “The editing system stores material in digital form in the storage unit, which allows for non-linear editing”):
- at least one input processing means having a first processing means for receiving a number of commands (Col 2, lines 12-14 “a control console 18 which receives inputs additionally from auxiliary sources such as a mouse 20 and a keyboard 22”) for processing data inputted from outside and for outputting the processed data to the recording and/or reproducing means (Col 2, lines 33-35 “Sources of original material...provide material...to the processor unit” and Col 2, lines 49-50 “The editing system stores material in digital form in the storage unit”); and
- at least one output processing means having a second processing means (Col 2, lines 43-45 “The audio and video outputs also may be provided to another VTR or disk recorder in a desired format to produce an output source for recording the final edited product.” The ability to select a format for the output requires a processing means to provide the format change) for processing and outputting the data reproduced by the recording and/or reproducing means to output the processed data to outside (Col 2, lines 43-

44 "The audio and video outputs also may be provided to another VTR or disk recorder"),

- time-divisional controlling means for controlling the input processing means and the output processing means (Col 2, lines 26-28 "The processor unit 12 contains the computers where the internal processing work is performed") to time-divisionally access the recording and/or reproducing means respectively to input and output data, comprising:
  - switching means having a third processing means (Col 2, lines 60-64 "the present invention allows the editor to...insert the shots directly into the edit, the processor unit 12 performing the digitization of the selected shots in the background") for being fed with the data outputted from the input processing means and the output processing means for selectively outputting the input data to the input processing means and the output processing means (Col 2, lines 39-42 "video from the VTR and the edited video material also are selectively provided by the processor unit as a video output to a video monitor"); and
  - control means for controlling at least one of the input processing means, output processing means, and the switching means to perform the processing specified by a control command commanding a pre-set editing mode if the control command is inputted (Col 2, lines 57-63 "normally the various types of material are separately logged into the

storage unit 14 as a series of digitized shots which are then available for subsequent non-linear editing. However the present invention allows the editor to take shots directly from a linear source, such as the VTR 28, a camera or the like, and insert the shots directly into the edit");

- o selecting means for receiving and interpreting the commands from the input processing means (Col 2, lines 18-22 "The console 18 is the main interface for controlling the playing of source material as well as for performing many of the editing functions");
- o wherein the third processing means controls the first processing means and the second processing means (Col 2, lines 26-29 "The processor unit 12 contains the computers where the internal processing work is performed and where system information is stored" and Col 3, lines 41-42 "The controls on the control console 18 are used to control the transport functions of the VTR 28" Col 2, lines 60-64 "the present invention allows the editor to...insert the shots directly into the edit, the processor unit 12 performing the digitization of the selected shots in the background"), and
- wherein the selecting means controls the input processing means, output processing means, and recording and/or reproducing means based on the number of commands interpreted by the selecting means (Col 4, lines 1-9 "In operation an editor has available material from the source, such as tape in the

VTR 28, and material that has already been digitized from the storage unit 14.

The editor from the control console 18 and using the mouse 20 selects the edit-to-it function to open a new edit-to-it file with the appropriate source identification, as described above. The editor selects a viewer as the record viewer and selects a source for editing, which source is displayed on the graphics screen 24 as a tile”).

**Regarding claim 2**, Holroyd et al disclose a data recording and/or reproducing apparatus wherein:

- the input processing means and the output processing means each having first and second selection means (Col 2, lines 33-36 “Sources of original material, such as video tape recorders [VTRs], cameras or the like provide material such as video, timecode and VITC material, to the processor unit and corresponding audio material to the audio interface” and Col 2, , lines 39-42 “video from the VTR and the edited video material also are selectively provided by the processor unit as a video output to a video monitor”);
- the first selection means being fed as inputs with the data inputted from outside and the data outputted from the switching means so that one of these data is outputted from the control means (Col 2, lines 57-64 “normally the various types of material are separately logged into the storage unit 14 as a series of digitized shots which are then available for subsequent non-linear editing. However the present invention allows the editor to take shots directly



from a liner source, such as the VTR, a camera, or the like, and insert the shots directly into the edit");

- the second selection means being fed with the data reproduced from the recording and/or reproducing means and the data outputted from the switching means so that one of the data is outputted under control by the control means (Col 2, lines 39-42 "video from the VTR and the edited video material also are selectively provided by the processor unit as a video output to a video monitor").

**Regarding claim 3**, Holroyd et al disclose a data recording and/or reproducing apparatus comprising:

- external reproducing means (Col 2, lines 33-35 "Sources of original material, such as video tape recorders [VTRs], cameras or the like, provide material, such as video...to the processor unit");
- the control means performing control so that, when a control command specifying the pre-set editing mode is inputted, the data reproduced from the external reproducing means is inputted to the input processing means (Col 4, lines 25-28 "When the editor indicates the in-point for the shot, the processor unit records, i.e., digitizes, the shot starting with the handle prior to the in-point into the storage unit") and outputted to the switching means (Col 4, lines 35-36 "The shot is also simultaneously inserted into the edit"), while the data inputted to the switching means is outputted to the output processing means (Col 2, lines 39-42 "the video from the VTR and the edited video material also

are selectively provided by the processor unit as a video output to a video monitor”).

**Regarding claim 4**, Holroyd et al disclose a data recording and/or reproducing apparatus wherein the control means controls the input processing means so that the data outputted by the switching means will be selectively outputted by the first selection means so as to be re-recorded by the recording and/or reproducing means (Col 2, lines 57-64 “normally the various types of material are separately logged into the storage unit 14 as a series of digitized shots which are then available for subsequent non-linear editing. However the present invention allows the editor to take shots directly from a linear source, such as the VTR 28, a camera or the like, and insert the shots directly into the edit, the processor unit 12 performing the digitization of the selected shots in the background simultaneously”).

**Regarding claim 5**, Holroyd et al disclose a data recording and/or reproducing apparatus wherein the control means controls the input processing means so that, when the data outputted by the switching means is outputted to outside, the data is selectively outputted from the second selection means (Col 5, lines 13-15 “if the source control function is turned OFF, then when the edit-to-it source is accessed, only the already digitized shots are available for the edit”).

**Regarding claim 6**, Holroyd et al disclose a data recording and/or reproducing apparatus wherein:

- external reproducing means (Col 2, lines 33-35 "Sources of original material, such as video tape recorders [VTRs], cameras or the like, provide material...to the processor unit");
- the control means on reception of a control command specifying the pre-set editing mode controlling the output processing means so that the data recorded on the recording medium will be outputted from the output processing means (Col 3, lines 13-14 "When the edit is viewed, the video and audio from the material files of the original shots are played"), the control means also controlling the input processing means, output reprocessing means and the switching means (Col 2, lines 57-63 "normally the various types of material are separately logged into the storage unit 14 as a series of digitized shots which are then available for subsequent non-linear editing. However the present invention allows the editor to take shots directly from a linear source, such as the VTR 28, a camera or the like, and insert the shots directly into the edit") so that the reproduced data reproduced from a pre-set first editing point will be inputted from the input processing means to the switching means (Col 63-64 "the processor unit performing the digitization of the selected shots in the background simultaneously") and further outputted from the switching means to the output processing means and from the second selection means (Col 1, lines 34-35 "The shot is then included into the edit while simultaneously being recorded into mass storage"), the data recorded on the recording medium being outputted from a pre-set second

editing point from the output processing means (Col 4, lines 62-64 "All of the edit after the original in-point on the record viewer is moved to be after the out-point of the new shot from the tape").

**Regarding claim 7**, Holroyd et al disclose a video recording/reproducing apparatus comprising:

- external reproducing means (Col 2, lines 33-35 "Sources of original material, such as video tape recorders [VTRs], cameras or the like, provide material...to the processor unit");
- the control means on reception of a control command specifying the pre-set editing mode controlling the input processing means, output processing means and the switching means so that the data reproduced from the external reproducing means will be inputted from the input processing means to the switching means (Col 2, lines 57-61 "normally the various types of material are separately logged into the storage unit... However the present invention allows the editor to take shots directly from a linear source" and Col 2, lines 34-35 "Sources of original material, such as video tape recorders [VTRs], cameras, or the like, provide material...to the processor unit") and further outputted from the switching means to the output processing means and from the second selection means, the control means also controlling the output processing means so that the data recorded on the recording and/or reproducing means will be outputted from the pre-set first editing point from the output processing means, the control means also controlling the input

processing means, output processing means and the switching means so that the data reproduced from the external reproducing means from a pre-set second editing point will be inputted to the switching means and so that the data will be outputted from the switching means to the output processing means so as to be outputted from the second selection means (Col 3, lines 13-14 "When the edit is viewed, the video and audio from the material files of the original shots are played").

**Regarding claim 8**, Holroyd et al disclose a data recording and/or reproducing method for recording and/or reproducing data using a data recording and/or reproducing apparatus comprising:

- recording and/or reproducing means for recording and/or reproducing data inclusive of video data and audio data on a non-linear accessible recording medium (Col 2, lines 49-50 "The editing system stores material in digital form in the storage unit, which allows for non-linear editing");
- at least one input processing means having a first processing means for receiving a number of commands (Col 2, lines 12-14 "a control console 18 which receives inputs additionally from auxiliary sources such as a mouse 20 and a keyboard 22"), for processing data inputted from outside and for outputting to outside the processed data to the recording and/or reproducing means (Col 2, lines 33-42 "Sources of original material, such as video-tape recorders [VTRs], cameras or the like, provide material, such as video...to the processor unit and corresponding audio material to the audio interface. The

- audio from the VTR and the edited audio from the processor unit are selectively provided to the audio interface for output on speakers, and the video from the VTR and the edited video material also are selectively provided by the processor unit as a video output to a video monitor"); and
- at least one output processing means having a second processing means (Col 2, lines 43-45 "The audio and video outputs also may be provided to another VTR or disk recorder in a desired format to produce an output source for recording the final edited product." The ability to select a format for the output requires a processing means to provide the format change) for processing the data reproduced by the recording and/or reproducing means to output the processed data to outside (Col 2, lines 43-44 "The audio and video outputs also may be provided to another VTR or disk recorder"); and
  - time divisional controlling means for controlling the input processing means and the output processing means (Col 2, lines 26-28 "The processor unit 12 contains the computers where the internal processing work is performed") to time-divisionally access the recording and/or reproducing means respectively to input and output data, and
  - selecting means for receiving and interpreting the commands from the input processing means, wherein the selecting means controls the input processing means, the output processing means, and the recording and/or reproducing means based on the number of commands interpreted by the selecting means (Col 2, lines 26-29 "The processor unit 12 contains the computers

where the internal processing work is performed and where system information is stored" and and Col 3, lines 41-42 "The controls on the control console 18 are used to control the transport functions of the VTR 28" Col 2, lines 60-64 "the present invention allows the editor to...insert the shots directly into the edit, the processor unit 12 performing the digitization of the selected shots in the background"); the method comprising:

- a first step of receiving, as input, a control command specifying a pre-set editing mode (Col 1, lines 30-62 "An editor selects an in-point on an edit and an in-point on the source indicating the beginning of a shot");
- a second step of specifying the input processing means and the output processing means as processing means for executing the control command (Col 2, lines 33-35, "Sources of original material, such as video tape recorders 9VTRs], cameras, or the like, provide material...to the processor unit" and Col 2, lines 57-62 "normally the various types of material are separately logged into the storage unit 14 as a series of digitized shots which are then available for subsequent non-linear editing. However the present invention allows the editor to take shots directly from a linear source, such as the VTR 28, a camera or the like, and insert the shots directly into the edit");
- a third step of outputting, from the specified output processing means, the data fed to the specified input processing means as input and reproduced from the recording and/or reproducing means from the

editing point information up to a first editing point (Col 4, lines 43-44

"Where the original source is used, the VTR prerolls and then starts playing");

- a fourth step of outputting the data, inputted to the input processing means, to the switching means connected between the input processing means and the output processing means, for a domain from the first editing point to a second editing point, and of outputting the data from the switching means to the specified output processing means (Col 4, lines 44-48 "when the source in-point is reached the video, audio, timecode, and/or VITC are recorded as the edit is performed. When the editor... indicates the end of the shoot, the recording stops and that point becomes the out-point for the shot");
- a fifth step of outputting the data outputted at the fourth step to outside (Col 3, lines 12-13 "When the edit is viewed, the video and audio from the material files of the original shots are played"), and;
- a sixth step of outputting the data reproduced from the recording and/or reproducing means from the second editing step from the output processing means (Col 4, lines 62-64 "All of the edit after the original in-point on the record viewer is moved to be after the out-point of the new shot from the tape");
- wherein the control means cause concerted operation of respective parts of the input processing means, output processing means, and switching means



on the basis of the control command (Col 4, lines 1-9 "In operation an editor has available material from the source, such as tape in the VTR 28, and material that has already been digitized from the storage unit 14. The editor from the control console 18 and using the mouse 20 selects the edit-to-it function to open a new edit-to-it file with the appropriate source identification, as described above. The editor selects a viewer as the record viewer and selects a source for editing, which source is displayed on the graphics screen 24 as a tile").

**Regarding claim 9**, please see examiner's remarks regarding claim 8.

**Further regarding claim 9**, Holroyd et al disclose a data recording and/or reproducing method for recording and/or reproducing data using a data recording and/or reproducing apparatus comprising:

- time-divisional controlling means for controlling the input processing means and the output processing means (Col 2, lines 26-28 "The processor unit 12 contains the computers where the internal processing work is performed") to time-divisionally access the recording and/or reproducing means respectively to input and output data,
- selecting means for receiving and interpreting the commands from the input processing means, wherein the selecting means controls the input processing means, the output processing means, and the recording and/or reproducing means based on the commands interpreted by the selecting means (Col 2, lines 26-29 "The processor unit 12 contains the computers where the internal

processing work is performed and where system information is stored" and and Col 3, lines 41-42 "The controls on the control console 18 are used to control the transport functions of the VTR 28" Col 2, lines 60-64 "the present invention allows the editor to...insert the shots directly into the edit, the processor unit 12 performing the digitization of the selected shots in the background"); the method comprising:

- a third step of outputting the data, fed to the specified input processing means and inputted to the input processing means, up to a first editing point from the editing point information, to the switching means connected between the input processing means and the output processing means (Col 4, lines 43-44 "Where the original source is used, the VTR prerolls and then starts playing"), outputting the data by the switching means to the specified output processing means and of outputting the data from the output processing means (Col 4, lines 14-15 "video from the source is displayed on the monitor");
- a fifth step of outputting from the second editing point the data, inputted to the specified input processing means, to the switching means connected between the input processing means and the output processing means (Col 4, lines 62-64 "All of the edit after the original in-point on the record viewer is moved to be after the out-point of the new shot from the tape"), outputting the data by the switching means to the specified output processing means and of outputting the data from

the output processing means (Col 4, lines 14-15 "video from the source is displayed on the monitor");

- wherein concerted operation of respective parts of the input processing means, the output processing means, and the switching means is caused on the basis of the control command (Col 2, lines 26-29 "The processor unit 12 contains the computers where the internal processing work is performed and where system information is stored" and and Col 3, lines 41-42 "The controls on the control console 18 are used to control the transport functions of the VTR 28" Col 2, lines 60-64 "the present invention allows the editor to...insert the shots directly into the edit, the processor unit 12 performing the digitization of the selected shots in the background").

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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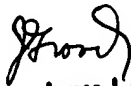
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAF  
23 June 2005

  
James J. Groody  
Supervisory Patent Examiner  
Art Unit 262 2616